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Towards an arms trade treaty: establishing common international standards for the import, export and transfer of conventional arms

Report of the Secretary-General**

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I. Introduction

1. Recognizing that the absence of common international standards on the import, export and transfer of conventional arms is a contributory factor to conflict, the displacement of people, and crime and terrorism, thereby undermining peace, reconciliation, safety, security, stability and sustainable development, and acknowledging the growing support across all regions for concluding a legally binding instrument negotiated on a non-discriminatory, transparent and multilateral basis, to establish common international standards for the import, export and transfer of conventional arms, on 6 December 2006, the General Assembly adopted resolution 61/89 entitled "Towards an arms trade treaty: establishing common international standards for the import, export and transfer of conventional arms".

2. By paragraph 1 of that resolution, the General Assembly requested the Secretary-General to seek the views of Member States on the feasibility, scope and draft parameters for a comprehensive, legally binding instrument establishing common international standards for the import, export and transfer of conventional arms and to submit a report to the General Assembly at its sixty-second session.

3. On 16 January 2007, the Secretariat addressed a note verbale to all Member States requesting them, in preparation of their views, to consider including information on the following: (a) elements of the conventional arms trade that should be included in the scope of the future arms trade treaty; (b) principles, guidelines and parameters that should govern the international transfer of conventional arms; and (c) any other features that might contribute to the development and adoption of an effective arms trade treaty.

4. In response to that request, 94 States and member States of the European Union had submitted their views by the time of the preparation of the present report. Due to the large volume of replies received, and in order to comply with numerous General Assembly resolutions on the control and limitation of documents prepared by the Secretariat, and in conformity with the Secretary-General's guidelines for reports drafted and/or compiled by the Secretariat, the replies received have been issued in two parts. The first part will consist of replies received that are within the acceptable page limit, while the second part will consist of replies received that exceed the acceptable page limit. The replies received are presented in section II of the present report.

5. The full texts of the replies received are available on the website of the Office for Disarmament Affairs, at http://disarmament.un.org/cab/ATT. Additional replies received will be issued as addenda to the present report.

II. Replies received from Member States

Algeria

[Original: French]
[26 June 2007]

1. Since it was an action of great importance in respect of control of the arms trade, Algeria had hoped that the General Assembly would adopt, by consensus, at its sixty-first session, the draft resolution entitled "Towards an arms trade treaty:

establishing common international standards for the import, export and transfer of conventional arms".

2. Algeria voted in favour of the draft resolution, in line with its position of principle in support of the establishment by the United Nations of transparent, multilateral legal frameworks relating not only to conventional arms, but to all weapons.

3. Accordingly, Algeria supports any consensus step that would ensure the universal and effective implementation of an international instrument defining objective standards to regulate the transfer of conventional arms.

4. In our view, such an instrument should be developed through a process of transparent multilateral consultations on the broadest possible scale among the Member States, which would bear sole responsibility for the implementation of the commitments that would be undertaken at this level.

5. The exercise that we will be undertaking at the next stages must be conducted, in an impartial manner, in accordance with international law and the principles set forth in the Charter of the United Nations, particularly those relating to:

(a) The right of States to individual and collective self-defence, in accordance with Article 51 of the Charter of the United Nations;

(b) The right of States to manufacture, export, import or transfer arms;

(c) The right of self-determination and the liberation struggle.

Benin

[Original: French]
[26 April 2007]

1. In accordance with paragraph 1 of the resolution, the purpose of a universally applicable conventional arms trade treaty should be to induce States to act in a responsible, transparent and proportionate manner with respect to conventional arms transfers.

2. Such a treaty could remind Governments of their responsibility to regulate international arms transfers and urge States to:

(a) Adopt national legislation to enforce measures decided by the United Nations Security Council;

(b) Adopt national export control systems that meet existing international standards;

(c) Restrict the supply of arms and ammunition in areas of instability, uphold human rights and maintain regional peace, security and stability and prevent diversions;

(d) Enhance transparency in arms transfers.

3. These commitments should be complemented with enhanced international and regional cooperation in these areas. This cooperation could be based on efforts already made in this area by African regional organizations such as the Economic

Community of West African States and the Southern African Development Community.

4. This treaty must not prevent the exercise by States of their right to self-defence recognized under Article 51 of the Charter of the United Nations and the right of every State (unless sanctions have been imposed by the Security Council) to import, manufacture and possess arms for its defence and security needs.

Bolivia

[Original: Spanish]
[25 June 2007]

Analysis

1. As a result of the deep concern about the indiscriminate use of firearms of different calibres smuggled across various border points, lost by institutions such as the armed forces and the national police, and freely sold in various stores and on the black market, the Government of Bolivia has directed the Minister of Defence to draw up legislation regulating the manufacture, import, export and transfer of conventional arms. While General Assembly resolution 61/89 seeks to establish common international standards governing the arms trade in Member States, it does not establish collaborative mechanisms to ensure that all the countries have legislation governing the arms trade.

2. All States have a legitimate right to self-defence and the right to acquire conventional arms from legal sources for that purpose in accordance with their laws, which might be difficult to unify without affecting the interests of various countries. While the United Nations seeks to establish common trade standards through resolution 61/89, the resolution does not mention the sanctions to be imposed on States that fail to endorse the resolution.

3. In keeping with its pacifist policy, Bolivia is a party to various regional conventions intended to coordinate work relating to trade in conventional arms with countries of the region. However, the stated objectives cannot be achieved, nor can national legislation be implemented, without economic and technical support from international organizations.

Conclusions

4. In view of the foregoing, while Bolivia cannot afford not to be involved in efforts to address an issue as vital as the one covered by resolution 61/89, in general all countries should be urged to endorse the resolution, in order to achieve world peace and ensure respect for human rights.

Burundi

[Original: French]
[1 June 2007]

General considerations

1. Arms manufacture should be regulated and controlled from the factory stage onwards.

2. Arms should be traded exclusively between States (concept of authorization and control).

3. Manufacturing standards must be rigorously monitored (compulsory marking).

4. Provision should be made for a quantity control mechanism at the stages of manufacturing and order validation (provision on overarmament).

5. Tracing of arms transfers must be compulsory.

6. The treaty must provide for penalties, such as the imposition of import and export embargoes on violators.

7. United Nations outposts should be established in producer and consumer countries to enforce the principles set out above.

8. However, there is reason to believe that it will be difficult to achieve the acceptance and applicability of such a treaty. Sovereignty issues could be raised by a number of countries. There may also be divergences of interest between producer and consumer countries.

Feasibility, nature and parameters of the treaty

9. It is necessary to put in place a binding and comprehensive legal instrument that will cover all types of transfer, based on a number of common principles that are already established.

10. Member States should evaluate the possible negative impact of each arms transfer and should refrain from carrying out transfers in the following circumstances:

(a) Where the transfer would result in a violation of United Nations sanctions;

(b) Where the transfer would lead to a violation of human rights or international humanitarian law;

(c) Where the transfer would have a negative impact on cooperation, including cooperation for development.

11. The following recommendations should also be taken into consideration:

(a) All the conventional arms listed in the United Nations Register of Conventional Arms should be covered;

(b) The instrument should specify mechanisms for the transfer of these arms from one State to another and meticulous regulations for their import and export;

(c) It is essential to elaborate detailed definitions of each operation in the arms trade (such as import, transfer and brokering);

(d) The proposed treaty should represent added value in relation to the Convention on Conventional Weapons, with additional protocols relating to specific categories of arms;

(e) The treaty must be compatible with existing agreements;

(f) The treaty should also include the following points:

(i) States must develop authorization mechanisms to ensure that arms imports and transfers are conducted in compliance with other international instruments;

(ii) States must enact national legislation to implement the treaty once it has been adopted and ratified;

(iii) States must exchange credible and transparent information with regard to arms transfers and the flow of arms;

(iv) States should produce an annual report on arms exports;

(v) States should be supported with appropriate documentation, and records of all transfers should be kept;

(vi) A verification regime would boost mutual trust.

Chile

[Original: Spanish]
[6 August 2007]

1. Chile will participate actively in the negotiation of a treaty governing the conventional arms trade. The treaty will establish common parameters for evaluating and authorizing international arms transfers. In addition, it will enhance the effectiveness of existing regional legal instruments, such as the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (1997) and the Inter-American Convention on Transparency in Conventional Weapons Acquisitions (1999).

Feasibility

2. The negotiations, in an inclusive and transparent multilateral format, should involve States that are prepared now to assume a legal commitment, as well as others with different positions (embracing the possibility of the legal arms market). In order to be effective, the treaty should include machinery for follow-up, verification and promotion of its universal acceptance. It should be consistent with the Charter of the United Nations and foster synergies with the existing instruments of international law on disarmament and international humanitarian law, as well as with the relevant resolutions of the Security Council and with para-multilateral cooperation mechanisms. (Chile would be interested in participating in other agreements, such as the Wassenaar Arrangement.)

Scope

3. The treaty should include definitions, for instance of "conventional weapons" and "ammunition", and should specify what commercial operations and legal transactions it governs. It should cover all conventional arms and their ammunition (by means of exhaustive or indicative lists or categories), as well as all legal transactions connected with their transfer and all actors trading arms and ammunition, whether public or private. The treaty should specify that all administrative and commercial transactions connected with the transfer of arms and ammunition should follow rules and practices of good governance that prohibit and sanction bribery, corruption and other illegalities inherent in transnational organized crime. The latter undermine peace, reconciliation, human security, global, regional and national stability and sustainable development.

4. The treaty should prohibit transfers of arms and ammunition if they: (a) provoke, prolong or exacerbate armed conflicts; (b) contribute to the destabilization of countries or regions; (c) provoke or facilitate the violation of human rights and the violation of international humanitarian law; (d) have been prohibited by the Security Council; (e) affect sustainable development (in view of the link between disarmament and development); or (f) supply or may supply the illegal arms market.

Parameters

5. Important parameters to be considered are: (a) the inherent right to self-defence, recognized in Article 51 of the Charter; (b) the responsibilities of each State, in accordance with the Charter, to avert threats to international peace and security; (c) applicable international law, in particular humanitarian law and human rights law; and (d) human security.

China

[Original: Chinese and English]
[30 April 2007]

1. In recent years, regional instability and humanitarian crisis fuelled by illicit trafficking and misuse of conventional arms, particularly small arms and light weapons, has become an issue of growing concern for the international community. China attaches great importance to this issue and supports the international community in taking the necessary measures to regulate international arms trade and combat the illicit transfer and trafficking of arms.

2. China believes that legitimate arms trade plays a part in national security, defence needs and economic interests of each country. In 1996, the United Nations Disarmament Commission worked out a set of guidelines for international arms transfer covering its scope, principles, ways and institutional arrangements (see A/51/42, annex I, entitled "Guidelines for international arms transfers in the context of General Assembly resolution 46/36 H of 6 December 1991"). Today, these guidelines are still of profound and practical guiding significance to all States. The necessity to negotiate a specific treaty to re-establish common guidelines for arms trade, and the relation between the treaty and the existing conventional arms transfer principles and mechanisms at the international, regional, subregional and national

levels, need to be further discussed in a comprehensive and cautious way by the international community on the basis of universal participation.

3. China has always adopted a prudent and responsible attitude in its arms export and strictly observed the following three principles: arms export should be conducive to the legitimate self-defence capability of the recipient country; it should not undermine the peace, security and stability of the region concerned and the world as a whole; and it should not be used as a means of interfering in the internal affairs of the recipient country. China implements a licensing system for arms export and has set up a comprehensive and strict approval mechanism for arms export administration.

4. China attaches importance to international cooperation in conventional arms transfer, and actively participates in relevant confidence-building and transparency mechanisms. As a State party to the Convention on Certain Conventional Weapons, China faithfully fulfils the obligations under the Convention and its protocols; earnestly implements the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, and submits in a timely manner national reports to the United Nations. China attaches significance to the United Nations Register of Conventional Arms and has constructively participated in the work of the Group of Governmental Experts.

5. China will, in a serious and responsible manner, continue to take part in the discussions on arms trade issues and exchange views with other countries on the feasibility of an arms trade treaty.

Croatia

[Original: English]
[17 May 2007]

Introduction

1. At the sixty-first session of the General Assembly, the Republic of Croatia supported the resolution establishing a task force for the preparation of the arms trade treaty, thereby supporting international efforts for more effective arms control. Aware of the threat posed by uncontrolled arms trade, particularly in the light of the experience of the war from which it emerged and the effects of the war on its society at large, the Republic of Croatia supports the establishment of a universal legally binding instrument to regulate conventional arms trade in all aspects.

2. Only through international cooperation, the exchange of information and the establishment of universal standards can an effective system of arms control be put in place, and, for this reason, the Republic of Croatia supports the efforts within the United Nations in preparing a legally binding treaty.

Feasibility

3. Taking into account the variety in legal systems and levels of technological development, it is of utmost importance to define feasible control instruments applicable by all United Nations Member States. A comprehensive instrument will help the States that do not yet have sufficiently established national legislation and administrative capacities to implement efficient control.

Scope

4. As a legally binding instrument, the treaty should include all types of conventional arms and all aspects of their trade (import, export, re-export, transfer, transit and mediation). We therefore also support making a list of arms, their parts and related materials, equipment and technology. The list can be prepared on the basis of the military list of the Wassenaar Arrangement, which includes the list of arms and military equipment and technology for which an export permit is required.

5. It is necessary to set up a universal end-user confirmation and secure the necessary database on the authority of the Member State in charge of issuing permits, as a security measure against undesired re-export and control of the flow of arms, to prevent them from falling into the hands of terrorists.

Parameters

6. The Republic of Croatia supports the introduction of universal standards to enable arms trade control, including (a) respect for United Nations embargoes on arms exports; (b) respect for non-proliferation and disarmament treaties; (c) respect for human rights; and (d) consideration of security and stability in the country of the final destination to prevent misuse of arms by terrorists.

7. The European Union Code of Conduct for Arms Export could serve as guidelines in defining common standards. It would be important to establish, to a certain level, the exchange of information on transactions, both granted and denied, in order to achieve greater transparency of the process and reduce the risk of the arms falling into the hands of terrorists. The exchange of information helps to build confidence and establish higher standards in the process of controlling the flows of arms.

8. It is also necessary to envisage measures against countries that violate the established international trade export standards.

Democratic Republic of the Congo

[Original: French]
[30 April 2007]

For the purposes of the report of the Democratic Republic of the Congo on the arms trade treaty to the Secretary-General of the United Nations, the Congolese Government considers that, in view of the international character of the arms trade, which calls for the setting up of a comprehensive, transparent international system to which all States should be a party, the future arms trade treaty should take into account:

(a) Heavy arms, small arms and light weapons, together with their constituent parts, ammunition and other explosives, including the technology to manufacture such arms and weapons;

(b) All aspects connected with international transfers of arms (export, import, conveyance and brokerage) and the legal responsibility of each actor;

(c) Types of transactions and sales;

(d) Mention of the legal responsibilities of States in the illicit arms trade, including:

(i) Control of the overproduction of arms and ammunition produced by companies established in a State's territory;

(ii) The illicit transfer of arms and ammunition from a State's territory;

(iii) Brokerage operations promoting illicit trafficking in arms from a State's territory;

(iv) Arms-marking operations in the national territory;

(v) The role and powers of international judicial bodies with regard to offences relating to the illicit arms trade.

Egypt

[Original: Arabic]
[30 April 2007]

1. Guidance should be taken from the successful experience of the United Nations programme to combat illicit trade in small arms and light weapons in regulating trade in conventional arms through a politically binding document, but not necessarily a legally binding agreement.

2. The current role and voluntary nature of the United Nations Register of Conventional Arms must be taken into account when examining the feasibility of concluding an agreement in the area of conventional arms, in accordance with paragraph 2 of General Assembly resolution 61/89.

3. The sovereign rights of States Members of the United Nations in the area of information exchange should be affirmed, as should the principles of the Charter of the United Nations, above all the legitimate right to self-defence and the right to self-determination.

4. The sovereign right of States to manufacture, import and export conventional arms should be affirmed, and there must be no automatic link between that right and any other standards that could be subject to politicization or varying interpretations.

5. The crucial role of Security Council resolutions should be affirmed in case of the imposition on any State of sanctions that include an arms trade embargo, in view of the fact that the Security Council is the principal international mechanism responsible for maintaining international peace and security.

6. It is important to establish clear international principles and standards for regulating the transfer of arms in order to prevent the diversion of arms into illegal trafficking.

7. It is important to address illicit brokering and follow established international standards in this matter.

8. The mandate of any mechanism that is established should be limited to cases of illicit trafficking in conventional arms.

9. Conventional defensive weapons should be dealt with separately from small arms and light weapons, and ammunition should be dealt with separately from either

of these, in accordance with international precedents in this regard and in light of the lack of an international consensus on the subject of ammunition.

Greece

[Original: English]
[28 June 2007]

1. The establishment through the United Nations of a legally binding instrument will not be an easy task. There will be always the risk of national authorities approving questionable transactions due to lack of information. If, however, clear standards of export are adopted, they will facilitate the implementation of the treaty and will reduce the risk of errors.

2. There are many international institutions, regimes and initiatives, established either by States or NGOs that aim at eliminating illegal arms transactions. Approaching the target from various perspectives is usually useful. Coordination among the competent authorities is a crucial parameter. Using common international standards will contribute to the elimination of loopholes and discrepancies in the field of implementation.

Scope

3. The treaty should cover all conventional arms and lists should be made on the basis of lists of which will be the United Nations Register of Conventional Arms. Adoption of the same rules would mean that the parties would have agreed on the types of arms to be included in said lists. These lists should be detailed, to prevent to the extent possible, misinterpretations among the competent authorities of the Member States of the United Nations. For instance, the Wassenaar Arrangement has adopted such detailed lists.

4. Also in the light of new world trade conditions, the treaty should cover not only imports, exports and transfers, but also transit, transshipment and brokering. Moreover, intangible transfers should also be included. Coverage of these aspects will greatly reduce illegal arms transactions on a large scale.

Draft parameters

5. The following criteria should be included:

(a) The exporting country should respect its international and regional commitments;

(b) Human rights violations in the importing country should be a negative factor for the implementation of the export;

(c) The internal situation in the importing country, such as terrorist activity and internal repression, should be taken into account;

(d) Maintenance of regional and international stability;

(e) Risk of diversion;

(f) Behaviour of the importing country towards the international community;

(g) Capacity of the importing country to incorporate and apply the rules of the treaty.

6. One should not lose sight of the fact that it will be the national States that will authorize arms transactions. The issue of verification and the end-user certificate constitutes a significant component of the whole scheme.

Guatemala

[Original: Spanish]
[30 April 2007]

1. Guatemala's position is based on the provisions of the Code of Conduct of Central American States on the Transfer of Arms, Ammunition, Explosives and Other Related Materiel, which prohibits the transfers of arms to States that:

(a) Lack democratic government institutions for the formulation of national security and defence policies or the monitoring of activities by and expenditure on the armed forces and the public security of the State;

(b) Fail to comply with international agreements on arms embargoes or other sanctions imposed by the Security Council of the United Nations adopted pursuant to the Charter of the United Nations and within the framework of regional organizations and agreements;

(c) Do not report the totality of their arms transfers to the United Nations Register of Conventional Arms, as defined in General Assembly resolution 46/36 L of 9 December 1991;

(d) Are involved in an armed conflict, unless that conflict is recognized to be an act of self-defence as set out in the Charter of the United Nations or in the Charter of the Organization of American States;

(e) Fail to comply with an agreed ceasefire;

(f) Are involved in actions or practices that might lead to a significant number of displaced persons or refugees.

2. The Code's measures relate to the harmonization of arms control and limitation legislation and import/export administrative procedures. They serve as a preventative measure and promote transparency in arms transfers. This requires the adoption of basic and common principles.

3. Guatemala supports and considers necessary the establishment of an arms trade treaty in view of the fact that, at the 2006 United Nations Conference to Review Progress Made in the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, no agreement could be reached on the President's working paper because of irreconcilable differences among delegations.

4. This situation prevented the General Assembly from fulfilling its mandate of reviewing the progress made in the implementation of the Programme of Action, because it lacked the necessary guidelines to continue with that task and discharge its duties. It should be noted that Guatemala supports the establishment of an arms trade treaty that focuses in particular on the existence of controls for preventing the

illicit manufacture of small arms and light weapons, regulates civilian possession of small arms and establishes guidelines for transfers of small arms and light weapons and for the regulation of brokering activities, cooperation and international assistance.

Ireland

[Original: English]
[17 April 2007]

1. Ireland was among the co-sponsors of General Assembly resolution 61/89, and is committed to the early adoption of a comprehensive, legally binding international instrument to cover all aspects of trade in conventional arms.

Feasibility

2. Ireland believes that the existing range of international and regional agreements, whether legally or politically binding, provides a solid basis for the elaboration of an effective, comprehensive international instrument that will ensure that all transactions will be subject to prior risk-assessment for illegality or probable negative impact. The future treaty should set out the standards to be applied and also guarantee the necessary transparency and monitoring of implementation.

Scope

Items covered

3. The treaty should cover all conventional arms and related technology, with language to cover future technical developments, if appropriate. There should be an annex specifying at least the categories covered, with sufficient precision to prevent loopholes. The United Nations Register of Conventional Arms would be a good starting point, to be complemented by regional lists such as those developed by the European Union and the Wassenaar Arrangement.

Transactions covered

4. A comprehensive approach is called for under this heading. All transactions involving trade in armaments should be covered, including specifically import, export, re-export, transfer, transit, transshipment, technical assistance and transfer of technology, and brokering activities.

Draft parameters

5. The treaty should be a legally binding instrument, limited to inter-State transactions. It should acknowledge the inherent right to self-defence, in accordance with Article 51 of the Charter of the United Nations, and to participate in United Nations-mandated peace operations.

6. Among the broad criteria to be applied in considering an application should be the following:

(a) International or regional obligations or commitments;

(b) Security Council embargoes;

(c) International human rights law;

(d) International humanitarian law;

(e) Maintenance of international and regional peace, security and stability;

(f) Impact of the transaction on conflict and displacement of people;

(g) Potential for use in terrorism or other criminal activity.

7. It should remain the competence of the individual State to take decisions on authorization of transactions. There should be an information-sharing mechanism designed to ensure transparency in the implementation of the treaty, encompassing both approvals and denials. In order to promote mutual confidence and consistency in application, there should be realistic monitoring and enforcement mechanisms. Unduly cumbersome requirements should, however, be avoided.

Conclusion

8. Ireland offers these initial views in the hope that they will assist the Secretary-General in elaborating his report to the General Assembly. We look forward to the establishment of the Group of Governmental Experts as a further step in the process leading to the adoption of an international, legally binding instrument establishing common international standards for the import, export and transfer of conventional arms, and related activities. Ireland will participate actively and constructively in this process.

Israel

[Original: English]
[26 April 2007]

1. Israel supports the imposition by States of strong and responsible controls on the import, export and transfer of arms. In our view, such sales and transfer of arms should be carried out with the utmost prudence and responsibility in order to prevent such arms from finding their way into the hands of irresponsible recipients and end-users, be they States or non-State actors. A robust mechanism for the control of such arms sales and transfers is necessary in the light of, inter alia, the dangerous phenomenon of the transfer of arms to terrorists, which has the power to destabilize regions, exacerbate conflicts and threaten global stability.

2. In this context, it is the position of Israel that the primary responsibility for the establishment and implementation of an effective and responsible system to control sales and the transfer of arms rests upon each State. Israel has, for many years, exercised strict control over arms exports through a comprehensive export control mechanism. In our view, any endeavour to reach a universally agreed standard in this field should not diminish States' responsibilities in carrying out this task.

3. Regarding the arms trade treaty initiative, Israel remains to be convinced that an arms trade treaty could indeed provide a commonly agreed standard that would enhance the level of care exercised by States in the sale or transfer of arms. Our questions stem from the nature of this initiative, which aims simultaneously at a legally binding instrument and at a universal process. It may prove very difficult to adopt an agreed legally binding standard that would, on the one hand, reflect

responsible and robust norms and, on the other hand, be agreeable to States with varying levels of control of arms. An agreement that would reflect a very low common denominator may be counterproductive to the goals set out in the arms trade treaty initiative.

4. In discussing the arms trade treaty initiative, an appropriate balance should be achieved between any global instrument that aims to control exports, imports and transfers of arms and the sovereignty of States, their legitimate military needs and the need to ensure that weapons and military equipment do not reach untrustworthy hands. Furthermore, consideration should also be accorded to the possibility that such a treaty could be politically abused against States that seek to obtain arms legitimately for purposes of self-defence, as well as the possible hindrance to legitimate trade in military material.

5. As Israel abstained in the vote on resolution 61/89, its position, as enumerated above, should be viewed as a call for prudence with regard to the arms trade treaty initiative, rather than an objection to the application of a robust and responsible control of the sale and transfer of arms by States.

Lebanon

[Original: Arabic]
[26 July 2007]

With reference to paragraph 1 of General Assembly resolution 61/89, the Ministry of National Defence states that Lebanon, while retaining the right that every State has, within international norms, to manufacture, import, export, transfer and possess conventional weapons for self-defence and in order to participate in peacekeeping operations, proposes that the following principles and elements should be incorporated into the treaty:

(a) Arms-producing States should guarantee their total commitment to resolutions of international legitimacy, particularly those of the United Nations;

(b) Activation of the role of the experts group, established on the basis of an equitable geographical distribution, charged with establishing common international standards for the import, export and transfer of arms and with periodically reporting to the Secretariat on the possibility of obtaining such arms, the purpose thereof and the principles governing such matters (maintenance of security, fuelling conflict, balance of forces, etc.);

(c) Adherence to the principle of the equality of States in terms of their sovereignty and territorial integrity, through upholding the principle of military balance between those States;

(d) International monitoring of arms-producing States;

(e) Tracking the movement and prohibiting the transfer of weapons that might be used to violate international and humanitarian law, perpetrate massacres, violate bilateral or multilateral commitments, support and encourage terrorist acts, or support organized crime;

(f) Licensing of the arms trade in order to prohibit the modification of arms for other uses, halt the illicit trade therein and ensure against their falling into the hands of terrorists, and to combat the corruption and bribery associated therewith;

(g) Prohibition of the transfer of conventional weapons when there is a danger that international law and the regulations governing their transfer will not be observed, and the tracing of weapons in order to ensure they remain under monitoring;

(h) Holding accountable the States that do not comply with United Nations resolutions.

Liechtenstein

[Original: English]
[13 March 2007]

1. Liechtenstein has been a firm supporter of the idea to establish a United Nations treaty governing global arms trade. It is deeply convinced that such a treaty would significantly contribute to achieving the purposes of the Charter of the United Nations while also furthering its principles. Addressing in a comprehensive and effective way the undermining impact that the import, export and transfer of conventional weapons may have on peace and security, sustainable development and the enjoyment of human rights is an indispensable action required of all Member States if they truly want to strengthen the three pillars on which the United Nations are built. Only the elaboration of common international standards will enable the international community to set the necessary boundaries for the global arms trade to be carried out in conformity with the purposes and principles of the United Nations. The effective application of the standards by States can be achieved if they are embedded in a legally binding instrument. An arms trade treaty would ensure that all transactions are subject to prior assessment of the risk that they will be unlawful and/or have a serious negative impact and make clear that transactions contrary to the treaty must not be allowed. It should also enhance the overall transparency of the global arms trade through the establishment of information exchange based on common standards for reporting and documentation.

2. Since States are already legally bound to put in place national legislation to allow them to implement decisions of the United Nations Security Council in respect of arms embargoes, the arms trade treaty would extend the responsibility of States to regulate the transfer of arms in accordance with international standards agreed upon by the General Assembly, as the only universal body with a legislative mandate. Such standards may start from existing international agreements relevant to the trade in conventional arms and also take into account the provisions of regional arrangements. The scope of the arms trade treaty should at least encompass all arms covered by the United Nations Register of Conventional Arms. It should also cover the import, export and transfer of munitions, including small arms and light weapons ammunition and explosives, components of such weapons and technology specifically designed for the manufacture of such weapons. One of the major parameters for the assessment of the potential risk of a transaction has to be the respect for international human rights and humanitarian law in the country of destination, as codified in the United Nations conventions and monitored, inter alia,

by the relevant treaty bodies and other human rights mechanisms of the United Nations.

Luxembourg

[Original: French]
[21 May 2007]

Introduction

1. Article 51 of the Charter of the United Nations recognizes the legitimate right of all States to individual or collective self-defence. All States have the right to manufacture, import, export, transfer and retain conventional arms for self-defence and security needs, and in order to participate in peace support operations.

2. However, with this right to self-defence comes the responsibility of States to prevent threats to peace and to respect international law, including, in particular, human rights and humanitarian law.

3. Nonetheless, the unchecked spread and illicit trade in conventional arms and ammunition are helping to sustain conflicts that are destabilizing many States and entire regions. Vast areas of the world are thus the recipients of an uninterrupted flow of conventional arms from other continents.

4. While some countries and regional groupings have introduced export controls, to date no universally applicable instrument has been concluded that could address the international nature of the arms trade.

5. Luxembourg, which co-sponsored General Assembly resolution 61/89, therefore supports the elaboration of a universally applicable and legally binding international instrument that establishes common rules of conduct for the transfer of conventional arms.

Feasibility

6. The feasibility of such an instrument will depend on the willingness of a large number of States to establish common rules of conduct that would effectively address the problems caused by the uncontrolled spread of conventional arms. Its feasibility will also depend on the mechanisms it establishes to ensure the effective and transparent implementation of the standards it institutes.

Scope

7. The instrument should be applicable to all conventional arms and ammunition, as well as to related equipment and parts and to the associated technology. It is essential that this list be drafted in such a way as to leave the least possible room for differing interpretations. It should be drafted in intelligible and technically precise language so that it is readable by persons in the industry, by clients and by export controls officials. The treaty should apply only to transfers between States and not to transfers within States.

Draft parameters

8. The arms trade treaty should establish legally binding international standards to be implemented by States parties. These standards should be based primarily on existing standards, namely:

(a) The Charter of the United Nations, including the necessity of respecting Security Council resolutions, in particular with regard to sanctions;

(b) All international norms in the field of human rights and international humanitarian law;

(c) All international norms related to non-proliferation of arms and to disarmament.

9. On the basis of these standards, the treaty should establish a list of conditions for consideration by the export controls authorities prior to each transfer. Such a list could, for example, draw on the list established in connection with the European Union Code of Conduct on Arms Exports.

10. The treaty should also provide for transparency mechanisms (for example, the publication of national reports) and for information exchanges. For example, the granting or denial of export licences should be reported in such exchanges. Naturally, States should also take the national measures necessary for the effective implementation of the standards laid down in the treaty.

Moldova

[Original: English]
[7 June 2007]

1. The Republic of Moldova supports the calls for a comprehensive, legally binding instrument establishing common international standards for trade in conventional arms. Moldova voted in favour of General Assembly resolution 61/89 on 6 December 2006, and is fully committed to backing the efforts aimed at the conclusion of the arms trade treaty.

2. The Government of the Republic of Moldova considers an arms trade treaty feasible, as it would be built upon established principles that are included in customary international law and regional, multilateral and international instruments related to arms trade. Nevertheless, whereas the existing agreements do not cover all aspects of international arms transfers and not all States are parties to them, the adoption of a comprehensive legally binding instrument is a timely subject.

3. The arms trade treaty should cover the import, export, transit and brokerage of all conventional arms, munitions, dual-use goods, and production technology. Clear conditions for international transfers of conventional arms have to be set out; those operations should be conducted in a transparent manner. A viable verification and monitoring mechanism has to be established.

4. Furthermore, while examining the scope and parameters of an arms trade treaty, it should be taken into consideration that the lack of financial and technical resources is frequently a major obstacle in the process of efficient arms trade control in a number of States, struggling with internal conflicts, which subsequently creates serious vulnerabilities in efforts aimed at counteracting illegal trade in arms. These

circumstances are often exacerbated by the existence of breakaway regions that are involved in the production, transfer and illegal trafficking of arms, including conventional; the presence of excessive stockpiles of munitions that are not effectively controlled; and the illegal stationing in those regions of foreign troops.

5. In that context, provisions regarding the inadmissibility of stockpiling of foreign arms, munitions and explosive materials without the approval of the constitutional authorities of States, as well as a ban on all transfers of arms and munitions stored in the secessionist territories and belonging to separatist regimes, should be introduced in the future arms trade treaty. The Republic of Moldova pleads for effective control by international bodies of the arms and munitions in the possession of the military and paramilitary structures in the territories under the control of separatist regimes, with special emphasis on their quantities, origins, modalities of delivery and transfer.

6. The Government of the Republic of Moldova stands ready to engage in the future debate on the arms trade treaty and expresses its full support to the group of governmental experts to be established by the Secretary-General in this regard.

Nigeria

[Original: English]
[12 April 2007]

1. Nigeria supports the negotiation and eventual establishment of a comprehensive, legally binding international arms trade treaty based on common international standards for the import, export and transfer of conventional arms. Nigeria believes that the absence of common international standards on global arms trade has been a contributory factor to armed conflicts, violent and organized crime, and terrorism, thereby undermining peace, security, stability and sustainable development of the affected States. In the face of an arms industry that operates globally, national or regional export control systems have become ineffective in controlling the illicit transfer of conventional arms. Effective control of global arms trade requires a corresponding new set of universal standards and regulations that should guide trade in arms on the basis of existing international law. An international arms trade treaty should ensure that arms exporters take into account the effect that weapons they transfer could have on sustainable development, national, regional or international peace and security, terrorism, and the commission of violent crimes or serious violations of national or international law.

2. The main objective of a global arms trade treaty should be to ensure that weapons are transferred for legitimate purposes only, i.e., national self-defence, law enforcement and peacekeeping. This could be achieved by ensuring that international arms transfers are restricted to Governments and their authorized agents or licensed arms brokers. It should also ensure that arms manufacturers and suppliers are held to account whenever they are found to have diverted their weapons transfers into illicit networks. In this way, the common desire of a vast majority of Member States to prevent accessibility of weapons to non-State actors and other unauthorized end-users would be achieved. By establishing a precise, harmonized normative framework for State behaviour in the international arms market, the activities of illicit arms brokers, exporters and importers in destabilizing

poor and weak States through armed conflicts and violent or organized crime would be controlled.

Philippines

[Original: English]
[13 June 2007]

Feasibility

1. The Philippines believes that the arms trade treaty would represent a reaffirmation of the existing responsibilities of Member States under international law, and would crystallize commitments and provide a mechanism for their consistent and effective application to trade in weapons. The Philippines believes that the arms trade treaty is feasible, as its principles would be based on a range of existing multilateral and regional instruments already being implemented by most Member States. Taken together, these instruments should form the vital building blocks for the arms trade treaty.

2. The treaty must, however, take into account variances in established national legislation on conventional arms between and among Member States that may unduly serve to differentiate countries that can easily subscribe to the treaty from those that cannot, due to, for example, constitutional restrictions. The treaty, thus, would need to be universal in order for it to be truly effective.

Scope

3. The Philippines believes that, while Member States have the incumbent responsibility and obligation under international law to monitor their arms transfers, the arms trade treaty and other relevant international instruments should not constrict each Member State's basic right to acquire legitimate arms for self-defence and security requirements. The Philippines also believes that the term "conventional arms" must be clearly defined in terms of the types of weapons, ammunition, and related dual-use material to be covered under the arms trade treaty.

Parameters

4. The Philippines believes that the parameters of the arms trade treaty would inevitably have to vary from country to country, including even those from the same geographical regions or economic blocs. Despite this, the Philippines believes that Member States would be more readily able to exercise due diligence in their arms transfers if they were to be regularly provided with an updated list of United Nations-sanctioned countries and if they could benefit from established international and regional (and perhaps impartial) registries of arms.

5. The Philippines also believes that there should be pragmatic consideration of the parameters of the arms trade treaty, which should be clearly itemized to meet whatever minimum standards are required for the import, export and transfer of arms. As such, any ambiguities that may arise in the definition of these parameters must be correspondingly ratified.

Samoa

[Original: English]
[30 April 2007]

1. Samoa welcomes the development of a legally binding international agreement to regulate the international transfer of conventional arms. The proliferation and the unregulated transfers, legally or illicitly, of small arms and light weapons are cause for grave concern for small countries like Samoa and the Pacific region. We know from grim experience the capacity of high-powered weapons to destabilize communities when these weapons fall into the wrong hands.

2. The development of the treaty is a timely initiative as a further step towards comprehensively addressing the proliferation of small arms and light weapons. There are important measures already in place towards regulating "illicit" trade in weapons, but equally important is the development of a precise and normative framework for "licit" trade in conventional arms, whose principles and objectives would be incorporated into the new arms trade treaty.

3. The new treaty should build on existing international and humanitarian law and should encompass the principles of responsible arms transfers as addressed in the Programme of Action on small arms and light weapons and the marking and tracing instrument.

4. There should be a credible monitoring and reporting mechanism at the United Nations level provided for in the treaty for importers and exporters of conventional arms on arms transfers and markings.

5. Equally important is the availability of technical assistance, especially to developing countries, for capacity-building and training.

6. Although Samoa does not have an armed force or military, nor has plans to trade in arms and weapons, the conclusion of an arms trade treaty should help address the key concern for Samoa and the Pacific region by reducing the risk of proliferation of illegal conventional arms and high-powered weapons in the region.

Seychelles

[Original: English]
[25 June 2007]

1. The Ministry of Foreign Affairs is pleased to inform the Office for Disarmament Affairs that it supports the establishment of an arms trade treaty and recommends that the Office consider the following points:

Scope

2. On landmines, the agreement should read "landmines, anti-tank mines and cluster munitions".

3. The resolution addresses the establishment of common international standards for the import, export and transfer of conventional arms. In view of current national laws and international agreements, standards should also be considered for end-user certification, transit, transshipment and brokering.

The former Yugoslav Republic of Macedonia

[Original: English]
[26 April 2007]

1. The Republic of Macedonia is a strong supporter of the elaboration of an arms trade treaty, as it is located in a region where over the last decade of the twentieth century the uncontrolled spread of conventional weapons, in particular small arms and light weapons, fuelled or exacerbated conflicts and had devastating humanitarian consequences.

2. The Republic of Macedonia is greatly encouraged by the high level of international support for General Assembly resolution 61/89, on an arms trade treaty. As a co-sponsor of the resolution, Macedonia remains committed to close and effective cooperation among Member States on establishing common international standards on the export, import and transfer of conventional arms. Macedonia is of the opinion that, in view of the international nature of arms trade, effective control of the import, export and transfer of conventional arms requires the establishment of a transparent and universal framework for all States to follow, aimed at the harmonization of their national legislation and practice.

Feasibility

3. The Republic of Macedonia considers that a new instrument should build upon the existing global and regional legally and politically binding instruments and guidelines to which most of the States are parties or take part in. However, since all those instruments do not cover all aspects of conventional arms transfers and not all States are party to them, there is a need for a global instrument that will, on one hand, achieve universalization and, on the other, cover the existing gaps.

Scope

4. In terms of the items to be covered by a new instrument, the Republic of Macedonia is of the opinion that it has to cover all conventional arms and related technology, a definition to be provided on the basis of a detailed listing, rather than on a simple generic description of the categories of arms, which would create ambiguity. For instance, the listing currently used by the European Union (drawn from the listings maintained by the Wassenaar Arrangement) could serve this purpose.

5. In terms of the range of transfers to be covered by a new instrument, the Republic of Macedonia is of the view that it should be clearly defined and should realistically be confined to international transfers, i.e. arms and related technology from the territory of one State to another, including Government-to-Government or State-to-State transfers.

Parameters

6. The instrument should set clearly the conditions and criteria to be applied by States when considering whether transfers are legitimate. Transfers must not, inter alia, breach any existing international and regional commitments, be used for the furtherance of terrorist acts, provocation or aggravation of internal or regional

conflicts, for the destabilization of countries or regions, for commission of serious violations of humanitarian law or human rights law, etc.

7. The Republic of Macedonia believes that the instrument must contain a requirement for the States to share adequate information on approved and possibly refused transfers, as well as an effective enforcement and monitoring mechanism.

Conclusion

8. The Republic of Macedonia will support the work of the Group of Governmental Experts, which is due to meet in 2008.